

FILED

FEB 28 2017


Clerk

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

DAVID ROBESON,

)

CASE NO. 17-5014

Plaintiff(s),

)

)

vs.

)

)

METROPOLITAN LIFE INSURANCE
COMPANY,

)

)

Defendant.

)

COMPLAINT

PARTIES AND JURISDICTION

1. David Robeson is a former employee of Genuine Parts Copmany and is a citizen of Meade County, South Dakota.
2. Metropolitan Life Insurance Company ("Metropolitan")issued a group disability insurance policy to Genuine Parts Company during Robeson's employment there, which covered Robeson.
3. The policy is part of an ERISA plan.
4. Metropolitan is not incorporated in South Dakota, nor does it have its principal place of business in South Dakota.
5. The amount in controversy exceeds \$75,000, exclusive of interest and costs.
6. This court has jurisdiction under 29 U.S.C. § 1132(a) and 28 U.S.C. § 1331, and diversity jurisdiction pursuant to 28 U.S.C. § 1332(a).

CAUSE OF ACTION – ERISA

7. At all pertinent times, Robeson has been disabled within the meaning of the

policy.

8. Robeson is entitled to disability benefits under the policy.
9. Robeson is entitled to waiver of premium benefits due to his disability.
10. Metropolitan violated ERISA by wrongfully denying Robeson benefits under the policy.
11. Robeson has exhausted his remedies under the policy.

WHEREFORE, PLAINTIFF PRAYS:

1. For recovery of benefits due under the terms of the plan, to enforce his rights under the terms of the plan, and to clarify his rights to future benefits under the terms of the plan;
2. For reasonable attorney's fees and costs; and
3. For such other and further relief as the Court deems just.

Dated this 27² day of February, 2017.

JULIUS & SIMPSON, L.L.P.

By: _____

Michael J. Simpson
Attorneys for Plaintiff
PO Box 8025
Rapid City, SD 57709
(605) 716-1000
Mike@juliussimpson.com